

IN THE SENATE

SENATE BILL NO. 1074, As Amended, As Amended

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; REPEALING CHAPTER 34, TITLE 33, IDAHO CODE, RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-905, IDAHO CODE, TO PROVIDE FOR MONEYS TO GO TO ANY SCHOOL FOR THE DEAF AND THE BLIND OPERATED BY THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-1228, IDAHO CODE, TO INCLUDE EMPLOYEES OF THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND, TO PROVIDE A GOAL, TO PROVIDE FOR A BOARD OF DIRECTORS, TO PROVIDE FOR APPOINTMENT OF AN ADMINISTRATOR, TO PROVIDE FOR POWERS AND DUTIES OF THE BOARD OF DIRECTORS, TO PROVIDE FOR A GOVERNMENTAL ENTITY, TO PROVIDE FOR APPLICATION OF CERTAIN PROVISIONS OF IDAHO CODE, TO PROVIDE THAT THE BUREAU SHALL SECURE CERTAIN INSURANCE, TO PROHIBIT CERTAIN ACTS, TO ESTABLISH A TRUST FUND, TO PROVIDE FOR CONTINUOUS APPROPRIATIONS, TO PROVIDE FOR AN ANNUAL BUDGET MEETING, TO PROVIDE FOR SUBMISSION OF AN ANNUAL BUDGET, TO PROVIDE FOR THE PROMULGATION OF RULES, TO PROVIDE FOR CERTAIN REPORTS RELATING TO DEAF AND BLIND PUPILS, TO PROVIDE FOR THE ACQUISITION OF AND TITLE TO PROPERTY, TO PROVIDE FOR THE TRANSFER OF CERTAIN SICK LEAVE, TO PROHIBIT SECTARIAN TESTS AND TO PROVIDE FOR A GENERAL FUND CONTINGENCY RESERVE; AMENDING SECTION 33-4802, IDAHO CODE, TO DELETE REFERENCE TO THE IDAHO SCHOOL FOR THE DEAF AND BLIND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-4803, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-4806, IDAHO CODE, TO PROVIDE REFERENCE TO THE BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; AND AMENDING SECTION 67-7304, IDAHO CODE, TO PROVIDE REFERENCE TO THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 34, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-905, Idaho Code, be, and the same is hereby amended to read as follows:

33-905. SCHOOL DISTRICT BUILDING ACCOUNT – PAYMENTS TO ACCOUNT – MONEYS APPROPRIATED TO STATE BOARD – APPLICATION FOR MONEYS – PAYMENTS TO DISTRICTS – REPORTS ON APPLICATIONS – USES OF MONEYS. (1) The state of Idaho, in order to fulfill its responsibility to establish and maintain a general, uniform and thorough system of public, free common schools, hereby creates and establishes the school district building account in the state treasury. The school district building account shall have paid into it such appropriations or revenues as may be provided by law.

(2) By not later than August 31, moneys in the account pursuant to distribution from section 67-7434, Idaho Code, the lottery dividends and interest earned thereon, shall be distributed to each of the several school districts, in the proportion that the average daily attendance of that district for the previous school year bears to the total average daily attendance of the state during the previous school year. For the purposes of this subsection (2) only, the Idaho school for the deaf and the blind shall be considered a school district, and shall receive a distribution based upon the average daily attendance of the school. Average daily attendance shall be calculated as provided in section 33-1002(3), Idaho Code. For the purposes of this subsection (2) only, any school for the deaf and the blind operated by the Idaho bureau of educational services for the deaf and the blind shall be considered a school district, and shall receive a distribution based upon the average daily attendance of the school.

(3) Any other state moneys that may be made available shall be distributed to meet the requirements of section 33-1019, Idaho Code. If the amount of such funds exceeds the amount needed to meet the provisions of section 33-1019, Idaho Code, then the excess balance shall be transferred to the public education stabilization fund.

(4) All payments from the school district building account shall be paid out directly to the school district in warrants drawn by the state controller upon presentation of proper vouchers from the state board of education. Pending payments out of the school district building account, the moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be returned to the school district building account.

(5) Payments from the school district building account received by a school district shall be used by the school district for the purposes authorized in section 33-1019, Idaho Code, up to the level of the state match so required. Any payments from the school district building account received by a school district that are in excess of the state match requirements of section 33-1019, Idaho Code, may be used by the school district for the purposes authorized in section 33-1102, Idaho Code.

SECTION 3. That Section 33-1228, Idaho Code, be, and the same is hereby amended to read as follows:

33-1228. SEVERANCE ALLOWANCE AT RETIREMENT. (1) Upon separation from public school employment by retirement in accordance with chapter 13, title 59, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 1976, as provided by section 33-1218, Idaho Code, and shall be reported by the employer to the Idaho public employee retirement system. A sum equal to one-half (1/2) of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, as determined by the retirement board, shall be transferred from the sick leave account provided by subsection (~~23~~) of this section and shall be credited

1 to such employee's retirement account. Such sums shall be used by the retirement board to  
 2 continue to pay, subject to applicable federal tax limits:

3 (a) Premiums for the retiree and the retiree's dependents at the rate for the active  
 4 employee's group health, long-term care, vision, prescription drug and dental insurance  
 5 programs as maintained by the employer for the active employees until the retiree and/or  
 6 the retiree's spouse becomes eligible for medicare at which time the district shall make  
 7 available a supplemental program to medicare for the eligible individual. Upon the death  
 8 of the retiree the surviving spouse's health coverage shall be available and continued  
 9 under the same terms and conditions as the retiree. Coverage may be continued for  
 10 the retiree's surviving dependent spouse and dependents until remarriage of the spouse  
 11 or until the retiree's surviving dependent spouse is eligible for a group health program  
 12 by an employer. The medicare supplement program will provide the same premium  
 13 and benefits for all retirees of all the employers served by the same insurance carrier.  
 14 However, a school district may make available to all retirees from that district other  
 15 benefits in addition to the medicare supplement program and the retiree or the district  
 16 shall pay for such additional benefits.

17 (b) Premiums at the time of retirement for the retiree for the life insurance program  
 18 maintained by the employer which may be reduced to a minimum of five thousand dollars  
 19 (\$5,000) of coverage.

20 (2) The retiree may continue to pay the premiums for the health, accident, dental and  
 21 life insurance to the extent of the funds credited to the employee's account pursuant to this  
 22 section and when these funds are expended the premiums may be deducted from the retiree's  
 23 allowance. Upon a retiree's death, any unexpended sums remaining in the retiree's account  
 24 shall revert to the sick leave account. If funds are not available for payment by the Idaho  
 25 public employee retirement system from the retiree's surviving dependent spouse's allowance,  
 26 the insurance carrier shall implement a direct billing procedure to permit the retiree's surviving  
 27 spouse to continue coverage.

28 (3) Each employer shall contribute to a sick leave account maintained by the public  
 29 employee retirement system in trust exclusively for the purpose of the provisions of this  
 30 section. The retirement board shall serve as trustee of the trust and shall be indemnified to  
 31 the same extent as provided in section 59-1305, Idaho Code. Assets in the trust shall not  
 32 be assignable or subject to execution, garnishment or attachment or to the operation of any  
 33 bankruptcy or insolvency law. The rate of such contribution each pay period shall consist of  
 34 a percentage of employees' salaries as determined by the board, and such rate shall remain  
 35 in effect until next determined by the board. Any excess balance in the sick leave account  
 36 shall be invested, and the earnings therefrom shall accrue to the sick leave account except the  
 37 amount required by the board to defray administrative expenses. Assets of the trust may be  
 38 commingled for investment purposes with other assets managed by the retirement board. All  
 39 moneys payable to the sick leave account are hereby perpetually appropriated to the board, and  
 40 shall not be included in its departmental budget.

41 (4) For purposes of this section public school employment shall be defined to permit  
 42 inclusion of employees of organizations funded by school districts or of contributions of  
 43 employees of school districts and shall include employees of the Idaho bureau of educational  
 44 services for the deaf and the blind.

1 SECTION 4. That Title 33, Idaho Code, be, and the same is hereby amended by the  
2 addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 33,  
3 Idaho Code, and to read as follows:

4 CHAPTER 34  
5 IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND  
6 ACT OF 2009

7 33-3401. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho  
8 Bureau of Educational Services for the Deaf and the Blind Act of 2009."

9 33-3402. DEFINITIONS. As used in this chapter:

10 (1) "Blind or visually impaired" means impacted by an impairment in vision that, even  
11 with correction, adversely affects a child's educational performance. The term includes both  
12 partial sight and blindness.

13 (2) "Board of directors" also referred to in this chapter as "the board" means the board of  
14 directors of the Idaho bureau of educational services for the deaf and the blind as such board is  
15 established in section 33-3404, Idaho Code.

16 (3) "Bureau" means the Idaho bureau of educational services for the deaf and the blind as  
17 created in section 33-3403, Idaho Code.

18 (4) "Deaf or hard of hearing" means impacted by an impairment in hearing, whether  
19 permanent or fluctuating, that adversely affects a child's educational performance, or impacted  
20 by a hearing impairment that is so severe that the child is impaired in processing linguistic  
21 information through hearing, with or without amplification that adversely affects a child's  
22 educational performance.

23 (5) "Idaho school for the deaf and the blind" means the campus program used to provide  
24 residential and day campus instruction and services to deaf or hard of hearing and/or blind or  
25 visually impaired students.

26 (6) "Outreach services" means off-campus statewide supplemental services provided by  
27 the Idaho bureau of educational services for the deaf and the blind to school districts, students  
28 and families.

29 (7) "Sensory impairment" means an impairment of vision or hearing, or both.

30 (8) "Specialized/certified personnel" means all personnel nationally certified and/or  
31 certified by the state of Idaho as required by applicable law to provide services and instruction  
32 to students who are deaf or hard of hearing and/or blind or visually impaired, including, but not  
33 limited to, certified teachers of the deaf, certified teachers of the visually impaired, certified  
34 interpreters, certified orientation and mobility specialists, speech language pathologists, and  
35 certified low vision therapists.

36 (9) "State board" means the Idaho state board of education.

37 (10) "Student" means an individual who is deaf or hard of hearing and/or blind or visually  
38 impaired and who qualifies for educational services as provided for in this chapter pursuant  
39 to eligibility criteria set forth in the Idaho standards for infants, toddlers, children, and youth  
40 who are deaf or hard of hearing as incorporated by reference in IDAPA 08.02.03.004.08 and  
41 08.02.03.004.09 in effect on January 1, 2009.

42 (11) "Supplemental services" means services provided to deaf or hard of hearing and/or  
43 blind or visually impaired students and their families, in addition to and in support of services

the student may receive from his or her school district. Such services may include assessment, consultation and direct instruction.

33-3403. BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND ESTABLISHED – GOAL. (1) There is hereby established the Idaho bureau of educational services for the deaf and the blind, a provider of supplemental services for students who are deaf or hard of hearing and/or blind or visually impaired. The Idaho bureau of educational services for the deaf and the blind may operate a school for the deaf and the blind at which it shall provide residential and day campus programs. The Idaho bureau of educational services for the deaf and the blind may also operate an outreach program intended to provide services to students outside the campus area, as well as early intervention and family consultation.

(2) The goal of the Idaho bureau of educational services for the deaf and the blind is to assist school districts and state agencies in providing accessibility, quality and equity to students in the state with sensory impairments through a continuum of service and placement options.

33-3404. BOARD OF DIRECTORS. (1) The Idaho bureau of educational services for the deaf and the blind shall be governed by a board of directors which shall be responsible for development and oversight.

(2) The board of directors shall be comprised of eight (8) members as follows:

(a) One (1) member shall be specialized/certified personnel appointed by the governor for a three (3) year term;

(b) One (1) member shall be a director of special education appointed by the governor for a three (3) year term;

(c) Two (2) members shall be citizens at-large appointed by the governor, each for three (3) year terms;

(d) One (1) member shall be a parent of a student who is deaf or hard of hearing or blind or visually impaired appointed by the governor for a three (3) year term;

(e) One (1) member shall be a citizen who is deaf or hard of hearing appointed by the governor for a three (3) year term;

(f) One (1) member shall be a citizen who is blind or visually impaired appointed by the governor for a three (3) year term; and

(g) The state superintendent of public instruction shall be chair of the board and shall serve concurrently with the term of office to which the state superintendent is elected.

(3) For purposes of establishing staggered terms of office, the initial term of office for the citizen who is blind or visually impaired and the parent of a student who is deaf or hard of hearing or blind or visually impaired shall be one (1) year, and thereafter shall be three (3) years. The initial term of office for the two (2) members at-large and for the director of special education shall be two (2) years, and thereafter shall be three (3) years. The initial term of office for the citizen who is deaf or hard of hearing and for the specialized/certified personnel shall be three (3) years, and thereafter shall be three (3) years.

(4) No voting member shall serve for more than two (2) consecutive full terms. Members of the board who are appointed to fill vacancies that occur prior to the expiration of a former member's full term shall serve the unexpired portion of such term.

33-3405. BOARD OF DIRECTORS TO APPOINT ADMINISTRATOR – DESIGNATION OF ASSISTANTS – DUTIES. (1) The board of directors for the Idaho

bureau of educational services for the deaf and the blind shall appoint a person to serve as an administrator to the bureau.

(2) The administrator shall designate, by and with the advice and consent of the board of directors, such assistants, instructors, specialists and other employees as may be necessary to properly carry out the provisions of this chapter.

(3) The administrator shall coordinate all efforts in education for the deaf and the blind approved by the board of directors and shall prepare such reports concerning the education for the deaf and the blind in the state as the board of directors may require.

(4) The administrator shall make an annual report of the bureau's activities to the state board of education at a time and in a format designated by the state board of education.

33-3406. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The board of directors for the Idaho bureau of educational services for the deaf and the blind shall have the following powers and duties:

(1) Recommend policies to be established by rule of the state board of education for effecting the purposes of this chapter.

(2) Operate a school for the deaf and the blind, including but not limited to:

(a) With the advice of the administrator, prescribe the course of study, the textbooks to be used, and for those pupils who complete the requirements for grade twelve (12), the time and standard of graduation;

(b) Upon advice and recommendation from the administrator that any pupil has ceased to make progress, or is no longer being benefited by the school's services, approve release of such pupil from the school and/or discontinue school services;

(c) Maintain general supervision and control of all property, real and personal, appertaining to the school, and to ensure the same;

(d) Employ architects or engineers as necessary in planning the construction, remodeling or repair of any building and, whenever no other agency is designated so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof; and

(e) Provide for the conveyance of pupils to and from the school.

(3) Employ or contract with outreach and other staff as necessary. The Idaho bureau of educational services for the deaf and the blind shall be exempt from the provisions of sections 33-513, 33-514, 33-514A, 33-515 and 33-515A, Idaho Code, and shall be exempt from chapter 53, title 67, Idaho Code. At the discretion of the board, all employees of the Idaho bureau of educational services for the deaf and the blind or a school for the deaf and the blind eligible for benefits may be permitted to elect to receive their salary on a year-round basis. Such a payment schedule shall not be considered a guarantee of employment.

(4) Purchase such supplies and equipment as are necessary to implement the provisions of this chapter, which purchases shall be exempt from the purchasing laws in chapter 57, title 67, Idaho Code.

(5) Enter into contracts with any other governmental or public agency whereby the bureau agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the costs of rendering such service.

(6) Accept, receive and utilize any gifts, grants or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this chapter.

(7) Obtain and maintain facilities to house operations of outreach or supplemental services as needed.

(8) Manage the moneys disbursed to the bureau from any and all sources.

(9) Acquire, by purchase, exchange, or lease any property which in the judgment of the board is needed for the operation of the Idaho bureau of educational services for the deaf and the blind, including a school for the deaf and the blind, and to lease, dispose of, by sale or exchange, any property which in the judgment of the board is not needed for the operation of the same.

(10) Enter into contracts or agreements as may be necessary to carry out the purposes of this chapter.

33-3407. GOVERNMENTAL ENTITY – LIABILITY – INSURANCE. (1) The Idaho bureau of educational services for the deaf and the blind shall be a governmental entity as provided in section 33-5502, Idaho Code. For the purposes of section 59-1302(15), Idaho Code, the Idaho bureau of educational services for the deaf and the blind created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-3622O, Idaho Code, sales to or purchases by the Idaho bureau of educational services for the deaf and the blind are exempt from payment of the sales and use tax. The Idaho bureau of educational services for the deaf and the blind, its employees and its board of directors are subject to the following provisions in the same manner as a traditional public school and the board of trustees of a school district:

(a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence, except as provided by section 33-5204A(2), Idaho Code;

(b) Chapter 2, title 59, Idaho Code, on prohibitions against contracts with officers;

(c) Chapter 7, title 59, Idaho Code, on ethics in government;

(d) Chapter 23, title 67, Idaho Code, on open public meetings;

(e) Chapter 3, title 9, Idaho Code, on disclosure of public records;

(f) Section 33-1216, Idaho Code, on sick and other leave;

(g) Section 33-1217, Idaho Code, on accumulation of unused sick leave;

(h) Section 33-1218, Idaho Code, on sick leave in excess of statutory minimum amounts; and

(i) Section 33-1228, Idaho Code, on severance allowance at retirement.

(2) The Idaho bureau of educational services for the deaf and the blind may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by chapter 9, title 6, Idaho Code.

(3) The Idaho bureau of educational services for the deaf and the blind shall secure insurance for liability and property loss.

(4) It shall be unlawful for:

(a) Any director to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the Idaho bureau of educational services for the deaf and the blind, or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection (4). The board of directors of the Idaho bureau of educational services for the deaf and the blind may accept and award contracts involving the Idaho bureau of educational services for

the deaf and the blind to businesses in which the director or a person related to him by blood or marriage within the second degree of consanguinity has a direct or indirect interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of the Idaho bureau of educational services for the deaf and the blind for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to the Idaho bureau of educational services for the deaf and the blind, shall not be deemed to be a contract pertaining to the maintenance or conduct of the Idaho bureau of educational services for the deaf and the blind within the meaning of this section; nor shall the payment of compensation by the Idaho bureau of educational services for the deaf and the blind board of directors to any bank or trust company for services rendered in the transaction of any banking business with the Idaho bureau of educational services for the deaf and the blind board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of the Idaho bureau of educational services for the deaf and the blind to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or shall require, the payment or delivery of any Idaho bureau of educational services for the deaf and the blind funds, moneys or property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

(5) When any relative of any director, or relative of the spouse of a director related by affinity or consanguinity within the second degree, is to be considered for employment in the Idaho bureau of educational services for the deaf and the blind, such director shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

33-3408. EXPENDITURES – BUDGET – FUNDING. (1) There is hereby created in the state treasury the Idaho bureau of educational services for the deaf and the blind trust fund, which is hereby continuously appropriated to the Idaho bureau of educational services for the deaf and the blind. The fund shall consist of appropriations, fees, grants, gifts or moneys from any other source. The state treasurer shall invest all idle moneys in the fund and interest earned on such investments shall be retained by the fund.

(2) On or before the first Monday in July, there shall be held at the time and place determined by the Idaho bureau of educational services for the deaf and the blind board, a budget meeting and public hearing upon the proposed budget of the Idaho bureau of educational services for the deaf and the blind. Notice of the budget meeting and public hearing shall be posted at least ten (10) full days prior to the date of the meeting in at least one (1) conspicuous place to be determined by the Idaho bureau of educational services for the deaf and the blind board of directors. The place, hour and day of the hearing shall be specified in the notice, as well as the place where such budget may be examined prior to the hearing. On or before the first Monday in July a budget for the Idaho bureau of educational services for the deaf and the blind shall be agreed upon and approved by the majority of the Idaho bureau of educational services for the deaf and the blind board of directors.

(3) The Idaho bureau of educational services for the deaf and the blind shall submit its annual appropriation request to the state superintendent of public instruction, by no later than the first day of August, for the superintendent's review, approval, and inclusion in the budget request of the educational support program/division of children's programs. The state

1 superintendent of public instruction shall disburse any funds appropriated to the Idaho bureau  
 2 of educational services for the deaf and the blind trust fund. The Idaho bureau of educational  
 3 services for the deaf and the blind board of directors shall use such moneys to provide  
 4 supplemental services to deaf or hard of hearing and blind or visually impaired students in the  
 5 state of Idaho.

6 33-3409. RULES. The state board of education is authorized to, with the advice and  
 7 recommendation of the board of directors, promulgate rules to implement the provisions of this  
 8 chapter.

9 33-3410. REPORTING DEAF AND BLIND PUPILS. On or before the first day of  
 10 February, in each year, the clerk of each school district, including elementary school districts,  
 11 charter schools designated by the state board of education to be identified as a local education  
 12 agency (LEA) pursuant to section 33-5203, Idaho Code, and especially chartered school  
 13 districts shall report the number of deaf and blind pupils, as defined in section 33-3402, Idaho  
 14 Code, attending the school or schools of the district, and any such person, not a pupil in the  
 15 school, of whom he may have knowledge. Such report shall be made to the Idaho bureau of  
 16 educational services for the deaf and the blind, upon forms approved by the state board of  
 17 education.

18 33-3411. ACQUISITION OF AND TITLE TO PROPERTY. All rights and title to  
 19 property, real and personal, belonging to the state of Idaho and vested in the Idaho state board  
 20 of education for use as a school for the deaf and the blind shall remain with the Idaho state  
 21 board of education.

22 33-3412. SICK LEAVE TRANSFERRED FOR EMPLOYEES OF IDAHO SCHOOL  
 23 FOR THE DEAF AND THE BLIND TO IDAHO BUREAU OF EDUCATIONAL SERVICES  
 24 FOR THE DEAF AND THE BLIND. Notwithstanding any other provision of law to the  
 25 contrary, any employee of the Idaho school for the deaf and the blind who has accrued sick  
 26 leave pursuant to section 67-5333, Idaho Code, and who, on or before September 1, 2009, is  
 27 transferred to or otherwise becomes an eligible employee of the Idaho bureau of educational  
 28 services for the deaf and the blind shall be credited by the Idaho bureau of educational services  
 29 for the deaf and the blind with the amount of sick leave accrued and unused at the time of  
 30 transfer. After such transfer, the use of such sick leave and the accrual of additional sick leave  
 31 shall be governed by the laws, rules and policies applicable to the Idaho bureau of educational  
 32 services for the deaf and the blind.

33 33-3413. SECTARIAN TESTS PROHIBITED. No religious or sectarian tests shall be  
 34 applied to the admission of students, nor in the selection of instructors or other personnel of the  
 35 school.

36 33-3414. GENERAL FUND CONTINGENCY RESERVE. The board of directors for  
 37 the Idaho bureau of educational services for the deaf and the blind may create and establish a  
 38 general fund contingency reserve within the annual Idaho bureau of educational services for the  
 39 deaf and the blind budget. Such general fund contingency reserve shall not exceed five percent  
 40 (5%) of the total general fund appropriation to the Idaho bureau of educational services for the  
 41 deaf and the blind. Disbursements from this continuously appropriated fund may be made as

the board of trustees determines necessary for contingencies that may arise. The balance of the contingency fund may be accumulated beyond the budgeted fiscal year, but shall never exceed five percent (5%) of the current year's appropriation to the Idaho bureau of educational services for the deaf and the blind.

SECTION 5. That Section 33-4802, Idaho Code, be, and the same is hereby amended to read as follows:

33-4802. FINDINGS. The legislature hereby finds, determines and declares that the state of Idaho recognizes the importance of applying technology to meet the public need for an improved, thorough and seamless public education system for elementary and secondary education, education of the hearing or visually impaired ~~at the Idaho school for the deaf and blind, post-secondary~~ postsecondary and higher education and public libraries.

SECTION 6. That Section 33-4803, Idaho Code, be, and the same is hereby amended to read as follows:

33-4803. DEFINITIONS. As used in this chapter:

(1) "Educational segments" are, individually, the public elementary and secondary school system, the Idaho ~~school~~ bureau of educational services for the deaf and the blind, the professional-technical education system, the commission for libraries, the state historical society, Idaho public television, the community colleges, the four-year colleges and universities, the state department of education and the office of the state board of education.

(2) "Libraries" means district, city, school/community libraries, and the commission for libraries as described in chapters 25, 26 and 27, title 33, Idaho Code.

(3) "Technology" means all present and future forms of computer hardware, computer software and services used or required for automated data processing, computer-related office automation or telecommunications.

(4) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

SECTION 7. That Section 33-4806, Idaho Code, be, and the same is hereby amended to read as follows:

33-4806. PUBLIC SCHOOL TECHNOLOGY GRANTS. There is hereby established the public school technology grant program, which shall make available grants for schools to provide Idaho classrooms, including classrooms at the Idaho ~~school~~ bureau of educational services for the deaf and the blind, with the equipment and resources necessary to integrate information age technology with instruction and to further connect those classrooms with external telecommunications services. Grant applications shall include a project plan that describes proposed equipment and software purchases; how the proposed equipment and software will be used effectively in the classroom; provision for training teachers to make optimal use of the technology; provision for local matching funds as prescribed by the council; and other elements as prescribed by the council.

SECTION 8. That Section 67-7304, Idaho Code, be, and the same is hereby amended to read as follows:

1           67-7304. COMPOSITION. (1) The council shall consist of nine (9) members to be  
2 appointed by the governor.

3           (2) Membership shall be as follows: one (1) member shall be a deaf person representing  
4 an association of the deaf, one (1) member shall be a deaf person, one (1) member shall be the  
5 parent of a deaf child, one (1) member shall be a hard of hearing member of a national hard  
6 of hearing consumer organization, one (1) member shall be a hard of hearing person over the  
7 age of sixty (60) years, one (1) member shall be the parent of a hard of hearing child, one (1)  
8 member shall be an interpreter for the deaf, one (1) member shall be a licensed physician, and  
9 one (1) member shall be an ASHA certified audiologist.

10           (3) The following shall serve as ex officio nonvoting members of the council: a  
11 representative from each of the following: the Idaho ~~school~~bureau of educational services  
12 for the deaf and the blind, the state department of education, the division of vocational  
13 rehabilitation, the office on aging, the department of health and welfare, the bureau of  
14 occupational licenses, the department of employment, the public utilities commission, the  
15 consumer protection division of the office of the attorney general, the Idaho hearing aid society,  
16 and the director of the council for the deaf and hard of hearing.

17           (4) Due regard shall be given to balanced representation from geographical and  
18 demographic areas of the state for voting members of the council.

19           (5) Voting members of the council shall be compensated as provided in section  
20 59-509(b), Idaho Code.